

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones)	RM-8658

**Hearing Aid Compatibility Report
and Request for Extension of GSM-Based HAC Compliance Relief**

Farmers Cellular Telephone Company ("Reporter"), a digital wireless service provider, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Order* in WT Docket No. 07-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired.¹ Pursuant to the Commission's September 8, 2005, *Memorandum Opinion and Order*, FCC 05-166, Reporter's November 2005 *Hearing Aid Compatibility Report and Notification of Election of Relief GSM Based Service* notified the Commission of its election of relief to extend to August 1, 2006, as the date when 800 MHz GSM digital phones must be hearing aid compatible; Reporter requested a further extension of this date to August 1, 2007, in its May 2006 *Report*. This *Report* does not address the

¹ On July 7, 2004 the FCC published notice that it had obtained OMB approval to collect hearing aid compatibility reports from wireless carriers. 69 Fed. Reg. 40928 (Wednesday, July 7, 2004). Pursuant to the *Report and Order, Amendment of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, 68 Fed. Reg. 54173 (September 16, 2003), reports are due every six months after rule effectiveness for the first three years and then annually for the next two years. The first reports were filed in November 2004. Because the T3 compliance deadline is September 18, 2006, and a report and waiver is required at this time, Reporter's next report shall be filed six months from now on or about March 18, 2007.

reporting requirements of the *Order* which are properly addressed by handset manufacturers who are in the best position to report about their own activities.

I. Carrier Information

Reporter is a small Commercial Mobile Radio Services carrier that provides service in rural Alabama. Reporter has not received a request for a HAC handset.

II. Handset Discussion

Reporter, in compliance with 47 C.F.R. § 20.19(c)(2)(i)(A) distributes at least two HAC-compliant models of handsets for use by persons with a hearing disability on its digital 1900 MHz system which are HAC-compliant for radio frequency interference (U3 performance level; acoustic coupling): Motorola models V3 and V220, Nokia 6101, 6102, and Samsung SGH-X496. However, of these, it is Reporter's understanding that only the Nokia 6102 is U3 HAC compliant on Reporter's 850 MHz system. Reporter's May 2006 *Report* indicated that none of its handsets were U3 HAC compliant on the 850 MHz system so improvement has been achieved. However, as discussed below, because Reporter does not yet have 2 handsets which are U3 compliant on its 850 MHz system, Reporter renews its request for relief which the relief the Commission has extended to 850 MHz GSM service providers.

As of September 18, 2006, 47 C.F.R. § 20.19(d)(2) requires that carriers offer at least two handsets which comply with the U3T level of performance (inductive coupling). At this time Reporter is unable to obtain U3T compliant phones from its handset distributors (Motorola, Nokia, and Samsung).² Because Reporter does not control the manufacture of compliant handsets it is respectfully submitted that the unavailability of compliant phones is

² It is Reporter's understanding that Motorola GSM models V3e and V3i are T3 compliant on both 850 MHz and 1900 MHz. Reporter is currently investigating whether these handsets can be made available for use on its system.

a circumstance beyond Reporter's control and enforcement of the applicable rule would not further the Commission's goal of increasing the availability of compliant handsets. Accordingly, waiver of the requirement would be appropriate.

III. Hearing Aid Compatible Handset Labeling/Insert Requirement

The HAC-compliant phones which are distributed by us contain an information sheet or instruction manual which describes the HAC capabilities of the handsets. The handset boxes are not on display and they do not have any HAC ratings listed on the box. We await the manufacturers to supply us with appropriate notification stickers and/or boxes with preprinted information.

IV. Outreach Efforts & Interoperability

Reporter has tested the HAC-compliant handsets which are distributed by it and they work well throughout Reporter's service area. Along with printed material for HAC phones we have also designated areas at each retail location which display live working HAC-compliant handsets for the customer to evaluate before each purchase.

V. Request for Extension of U3 HAC Compliance Relief

Reporter previously sought, pursuant to the Commission September 8, 2005, *Memorandum Opinion and Order (MO&O)*, FCC 05-166, 20 FCC Rcd. 15108 (FCC 2005), an extension to August 1, 2006, by which to begin distribution of HAC-compliant handsets for its 850 MHz GSM system.

Reporter's May 2006 *Report* requested a one year extension of the August 1, 2006, HAC compliance deadline because of the continuing unavailability of HAC compliant handsets.³ As discussed above, it is Reporter's understanding that at least one of the

³ It is Reporter's understanding that this requested extension request remains pending.

handset models it offers is U3 compliant. In continuing support of this request, and to obtain further relief, the Commission is advised that Reporter has periodically contacted its handset distributors to inquire as to the availability of HAC-compliant dual-mode handsets for use in 850 MHz GSM systems. As of this time, a second dual-mode U3 HAC compliant GSM handset remain unavailable to Reporter. Beyond making such inquiries, Reporter's ability to affect any manufacturing changes is limited by Reporter's small carrier status and its lack of market power.

Reporter agrees to abide by the Commission's consumer outreach requirements specified in the *MO&O*, including, 1) offering a thirty-day trial period or otherwise adopt an acceptable, flexible return policy for consumers seeking to obtain hearing aid-compatible GSM digital wireless handsets; 2) including detailed information in Reporter's May 17, 2006, hearing aid compatibility compliance report that describes and discusses with specificity efforts to ensure a thirty-day trial period or otherwise flexible return policy for consumers seeking to obtain hearing aid-compatible GSM digital wireless handsets; and 3) Reporter makes reasonably available to disabled subscribers and disabled potential subscribers of HAC-compliant 850 MHz GSM phones, via the retail handset distribution facility, current technical and anecdotal information regarding the hearing aid compatibility of specific GSM digital wireless handsets.

Respectfully Submitted,

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